

# UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Melanie L. Cyganowski, as Receiver for Platinum  
Partners Credit Opportunities Master Fund LP, and, in  
that capacity, as Agent on behalf of Alpha Credit  
Resources LLC,

*Plaintiff(s)*

v.

Decision Diagnostics Corp.,

*Defendant(s)*

Civil Action No. 2:21-cv-00888-JMA-ST

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Decision Diagnostics Corp.  
2660 Townsgate Road, Suite 300  
Westlake Village, California 91361

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in **Fed. R. Civ. P. 12** (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Adam C. Silverstein, Esq.  
Otterbourg P.C.  
230 Park Avenue  
New York, New York 10169  
(212) 661-9100

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



DOUGLAS C. PALMER  
CLERK OF COURT

Date: 02/22/2021

s/ Grisel Ortiz

*Signature of Clerk or Deputy Clerk*

Civil Action No. 2:21-cv-00888-JMA-ST

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

Adam C. Silverstein, Esq.  
Otterbourg P.C.  
230 Park Avenue  
New York, NY 10169  
(212) 661-9100

USDC EASTERN DISTRICT OF NEW YORK

CASE NUMBER:

2:21-cv-00888-JMA- ST

Melanie L. Cyganowski, etc.

Plaintiff(s)

v.

Decision Diagnostics Corp.

Defendant(s)

**PROOF OF SERVICE  
SUMMONS AND COMPLAINT**  
(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):

- a. ☒ Summons ☐ First Amended Complaint ☐ Third Party Complaint  
☒ Complaint ☐ Second Amended Complaint ☐ Counter Claim  
☐ Alias Summons ☐ Third Amended Complaint ☐ Cross Claim  
☒ other See attached Document List

2. Person served:

- a. ☒ Defendant (name:) Decision Diagnostics Corp.  
b. ☒ Other (specify name and title or relationship to the party/business named):  
Keith Berman - CEO  
c. ☒ Address where the papers were served: 2660 Townsgate Rd Ste 300  
Westlake Village, CA 913615717

3. Manner of Service in compliance with (the appropriate box must be checked):

- a. ☒ Federal Rules of Civil Procedure  
b. ☐ California Code of Civil Procedure

4. I served the person named in Item 2:

- a. ☒ By Personal Service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.  
1. ☒ Papers were served on (date): 2/25/2021 at (time): 3:31 PM  
b. ☐ By Substituted Service. By leaving copies:  
1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.  
2. ☐ (business) or a person apparently in charge of the office, or place of business, at least 18 years of age, who was informed of the general nature of the papers.  
3. ☐ Papers were served on (date): at (time):  
4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).  
5. ☐ papers were mailed on  
6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.  
c. ☐ Mail and acknowledgment of service. By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (Attach completed Waiver of Service of summons and Complaint).

**Nationwide Legal, LLC**  
1609 James M Wood Blvd.  
Los Angeles, CA 90015  
Phone: (213) 249-9999 Fax: (213) 249-9990

Continued from Proof of Service

**CLIENT:** Otterbourg P.C.

**CLIENT FILE #:** Cyganowski v. Decision Diagnostics

**DATE:** February 25, 2021

**SUBJECT:** Decision Diagnostics Corp.

**Summons; Complaint; Civil Cover Sheet; Notice of Related Case;  
Notice, Consent, and Reference of a Civil Action to a Magistrate  
Judge; Judge Azrack's Individual Rules; Plaintiff's Statement  
Pursuant to Rule 7.1 of The Federal Rules of Civil Procedures;  
Magistrate Tiscione's Individual Practice Rules**

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**NATIONWIDE  
LEGAL**

Order#: LA130931/DocAtt2010

- d. ☒ **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual business hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies of the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. **(Attach a copy of the order to this Proof of Service.)**
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f)
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. **(Attach signed return receipt or other evidence of actual receipt by the person served).**
- h. ☐ **Other** (specify code section and type of service):
5. Service upon the **United States, and Its Agencies, Corporations or Officers.**
- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
- Name of person served:
- Title of person served:
- Date and time of service: (date): at (time):
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. **(Attach signed return receipt or other evidence of actual receipt by the person served).**
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation **(Attach signed return receipt or other evidence of actual receipt by the person served).**

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (name, address and telephone number):

**Joel Weinstein**  
**Nationwide Legal, LLC**  
**1609 James M Wood Blvd.**  
**Los Angeles, CA 90015**  
**(213) 249-9999**

a. Fee for service: \$ **301.79**

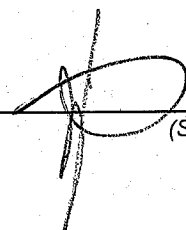
- b. ☐ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☒ Registered California process server  
 Registration #: **508**  
 County: **Ventura**

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: **February 25, 2021**

**Joel Weinstein**  
 Type or Print Server's Name

  
 (Signature)

**PROOF OF SERVICE - SUMMONS AND COMPLAINT**